

### **EXAMINER'S AMENDMENT**

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 5/12/2008, Mr. Richard Jaworski requested an extension of time for 3 MONTH(S) and authorized the Director to charge Deposit Account No. 03-3125 the required fee of \$295 (\$230 already paid) for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Richard Jaworski on 5/5/2008.

The application has been amended as follows:

Claims 13-18 have been cancelled.

The following is an examiner's statement of reasons for allowance:

The primary reason for the allowance of the claims is that the prior art of record neither teaches nor suggests the inclusion of the limitation of "each of said plurality of rigid locking elements having at least one semi-circular claw-like portion arranged to interlock the plurality of rigid locking elements together in an interlocked position, the semi-circular claw-like portions when interlocked forming a pivot bearing shell... the actuating plunger forms a bearing shaft that bears against the semi-circular claw-like portions of the locking elements which form a pivot bearing shell for the bearing shaft, the bearing shaft formed by the proximate end tip of the actuating plunger sitting within the semi-circular claw-like portions and holding the plurality of rigid locking elements together in the interlocked position." (Claim 10, Lines 6-13 and Claim 19, Lines 5-13). The closest prior art of record, Leitner, Mills and Keehn taken as a whole, disclose a fence system significantly as claimed, but does not provide any teaching, suggestion, or motivation to modify the prior art as such. There is no cogent reasoning that is unequivocally independent of hindsight that would have led one of ordinary skill in the art at the time the invention was made to modify the prior art to obtain the applicant's invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA T. KENNEDY whose telephone number is (571)272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua T. Kennedy/  
Examiner, Art Unit 3679  
5/5/2008

/Daniel P. Stodola/  
Supervisory Patent Examiner, Art Unit 3679